

Membership Balance Plan
Lake Eufaula Advisory Committee

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to section 3133(b)(1) of the Water Resources Development Act of 2007 (“the 2007 WRDA”) (Public Law 110-114) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established this statutory Committee.
2. Mission/Function: The Committee, pursuant to section 3133(b)(1) of the 2007 WRDA, shall provide independent advice and recommendations regarding the operations of the Lake Eufaula, Canadian River, Oklahoma project authorized by the first section of the River and Harbor Act of July 24, 1946 (60 Stat. 635) for the project purposes for Lake Eufaula.

According to section 3133(a) of the 2007 WRDA, the Lake Eufaula project goal is to maximize the use of available storage in a balanced approach that incorporates advice from representatives from all the project purposes to ensure that the full value of the reservoir is realized by the United States. To achieve this goal, recreation is recognized as a project purpose at Lake Eufaula, pursuant to section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 889).

The recommendations of the Committee shall be considered by the Secretary of the Army and the Corp in performing a reallocation study and developing an interim management plan as required by sections 3133(c) and (d) of the 2007 WRDA.

3. Points of View: Pursuant section 3133(b) of the 2007 WRDA, the Committee shall be composed of members that equally represent the project purposes for Lake Eufaula, identified as flood control, water supply, hydroelectric power, navigation, fish and wildlife, and recreation.

The Committee shall consist of no more than twelve 12 members. The Committee will be comprised of a mix of regular government employee (RGE) members, special government employee (SGE) members, and representative members. Those individuals who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members. Those individuals who are not full-time or permanent part-time Federal officers or employees and provide their own best independent judgment based on their individual expertise will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Those individuals who are not full-time or permanent part-time Federal officers or employees and are selected for the purpose of obtaining the point of view or perspective of an outside interest group or stakeholder interest will be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as representative members.

The DoD has found that viewing the complex issues facing the Department through a multidisciplinary advisory committee provides the Department and, more importantly, the American public with a broader understanding of the issues on which to base subsequent policy decisions.

4. Other Balance Factors: N/A

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5. Candidate Identification Process: The DoD, in selecting potential candidates for the Committee, reviews the educational and professional credentials of individuals with extensive professional experience in the points of view described above. Potential candidates may be identified by the Committee's staff, current or past Committee members, those organizations having equities in the project purposes for Lake Eufaula, and senior Corps officials.

Once potential candidates are identified, the Designated Federal Officer (DFO) will review the educational and professional credentials of each individual relative to the subject matters that are likely to be considered by the Committee and narrow the list of potential candidates. A Corps Ethics Counselor will conduct an initial screening of the financial disclosure reports (OGE Form 450) of the potential candidates for possible conflicts of interests, as appropriate. Following these reviews, the DFO will forward a balanced list of potential candidates to the Secretary of the Army through the Assistant Secretary of Army for Civil Works. The Secretary of the Army will verify the balance between the educational and professional credentials of the individual candidates and the subject matters that are likely to be considered by the Committee.

Prior to the formal nomination, the list of potential organizations and their proposed individuals undergoes a review by the Office of General Counsel for the DoD and the Office of the Advisory Committee Management Officer (ACMO) to ensure compliance with Federal and DoD governance requirements, including compliance with the Committee's charter and membership balance plan. Following this review, the Secretary of the Army discusses the potential organizations/individuals with the Secretary of Defense or the Deputy Secretary of Defense and receives authority to proceed with the nominations.

Following the Secretary of Defense or the Deputy Secretary of Defense authorization, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

The Secretary of Defense or the Deputy Secretary of Defense may authorize the appointment of Committee members for a two-year term of service, subject to annual renewals; however, members may not serve more two terms of service unless otherwise authorized by the Secretary of Defense or the Deputy Secretary of Defense. Members may subsequently be reappointed to the Committee but only after being off the Committee for at least two years.

The Secretary of the Army is authorized to administratively certify the appointment of the Committee members that were previously authorized by the Secretary of Defense or the Deputy Secretary of Defense. Consistent with Deputy Secretary of Defense policy and the authority delegated to the ACMO by the Assistant Deputy chief Management Officer, the ACMO is authorized to administratively certify the annual renewal of appointment of Committee members.

The Committee and subcommittee member vacancies will be filled in the same manner as described in the previous six paragraphs above.

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6. Subcommittee Balance: The DoD, when necessary and consistent with the Committee's mission and DoD policies and procedures, may establish subcommittees, task groups, or working groups to support the Committee. Currently the Committee does not use subcommittees. If the DoD determines that the establishment of subcommittees is warranted, the Committee's charter and this membership balance plan must be amended prior to such establishment.
7. Other: As nominees are considered for appointment to the Committee, the DoD adheres to the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions (79 FR 47482; August 13, 2014) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared: August 28, 2015